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| APPLICATION NO.  | FILING DATE      | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.    | CONFIRMATION NO.        |  |
|--|------------------|----------------------|------------------------|-------------------------|--|
| 10/817,250   | 04/03/2004       | Timothy Clegg        | Glegg.04               | 1797                    |  |
| 23616  | 7590 06/22/2006  |                      | EXAMINER               |                         |  |
|  | CES OF CLEMENT C | TAWFIK, SAMEH        |                        |                         |  |
| 17220 NEWHOPE STREET #127<br>FOUNTAIN VALLEY, CA 92708 |                  |                      | ART UNIT               | PAPER NUMBER            |  |
|  | ,                |                      | 3721                   |                         |  |
|  |                  |                      | DATE MAILED: 06/22/200 | DATE MAILED: 06/22/2006 |  |

Please find below and/or attached an Office communication concerning this application or proceeding.

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|  | Application No.   | Applicant(s)  |  |  |  |
|--|---|---|--|--|--|
| Office Asticus Commons   | 10/817,250  | CLEGG, TIMOTHY                                      |  |  |  |
| Office Action Summary  | Examiner  | Art Unit  |  |  |  |
|  | Sameh H. Tawfik   | 3721  |  |  |  |
| The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply   |   |   |  |  |  |
| A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). |   |   |  |  |  |
| Status   |   |   |  |  |  |
| 1) Responsive to communication(s) filed on   | Responsive to communication(s) filed on .   |   |  |  |  |
| 2a) This action is <b>FINAL</b> . 2b) ☑ This   | action is non-final.  |   |  |  |  |
| 3) Since this application is in condition for allowar  | ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is |   |  |  |  |
| closed in accordance with the practice under E   | closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.                         |   |  |  |  |
| Disposition of Claims  |   |   |  |  |  |
| <ul> <li>4)  Claim(s) 1-27 is/are pending in the application.</li> <li>4a) Of the above claim(s) is/are withdrawn from consideration.</li> <li>5)  Claim(s) is/are allowed.</li> <li>6)  Claim(s) is/are rejected.</li> <li>7)  Claim(s) is/are objected to.</li> <li>8)  Claim(s) 1-27 are subject to restriction and/or election requirement.</li> </ul>   |   |   |  |  |  |
| Application Papers   |   |   |  |  |  |
| 9) The specification is objected to by the Examine 10) The drawing(s) filed on is/are: a) access Applicant may not request that any objection to the Replacement drawing sheet(s) including the correct 11) The oath or declaration is objected to by the Ex   | epted or b) objected to by the Eddrawing(s) be held in abeyance. See ion is required if the drawing(s) is obj     | e 37 CFR 1.85(a).<br>ected to. See 37 CFR 1.121(d). |  |  |  |
| Priority under 35 U.S.C. § 119   |   |   |  |  |  |
| <ul> <li>12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).</li> <li>a) All b) Some * c) None of:</li> <li>1. Certified copies of the priority documents have been received.</li> <li>2. Certified copies of the priority documents have been received in Application No</li> <li>3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).</li> <li>* See the attached detailed Office action for a list of the certified copies not received.</li> </ul>  |   |   |  |  |  |
| Attachment(s)  1) Notice of References Cited (PTO-892)  2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date  | 4) Interview Summary Paper No(s)/Mail Da 5) Notice of Informal Pa   |   |  |  |  |

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## **DETAILED ACTION**

## Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

Claims 1-21, drawn to folding magazine with sound system, classified in class
 206.

II. Claims 22-27, drawn to a method of inserting a folding magazine, classified in class 493, subclass 405.

The inventions are distinct, each from the other because of the following reasons:

Inventions Group II and Group I are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make another and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the product as claimed can be made by hand.

Because these inventions are independent or distinct for the reasons given above and have acquired a separate status in the art in view of their different classification, restriction for examination purposes as indicated is proper.

Because these inventions are independent or distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

A telephone call was made to Mr. Clement Cheng on 06/16/2006 to request an oral election to the above restriction requirement, but did not result in an election being made.

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Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sameh H. Tawfik whose telephone number is 571-272-4470. The examiner can normally be reached on Tuesday - Friday from 8:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on 571-272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Sameh H. Tawfik Primary Examiner Art Unit 3721

ST.